COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 15, 2005

FILE NO.: #2140219

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY [redacted] #[redacted]

DEPUTY EDWARDS #[redacted]

DEPUTY [redacted] #[redacted]

DEPUTY [redacted] #[redacted]

DEPUTY [redacted] #[redacted]

DEPUTY [redacted] #[redacted]

DEPUTY [redacted] #[redacted]

DEPUTY [redacted] #[redacted]

Deputy [redacted] was approached by an inmate who told him that another inmate was causing problems. Deputy ordered the problem inmate into the day room. The inmate went to the entrance but refused to go inside. Deputy Edwards approached and ordered the inmate inside. The inmate took a step back, twisted his upper body and struck Deputy Edwards in the chest with his right shoulder. Deputy [redacted] ran to assist and a fight ensued with the inmate. Other deputies arrived. The inmate continued to struggle and kick at the deputies. The deputies were directed to T.A.R.P. the inmate. The inmate was T.A.R.P.'ed without further incident. The inmate sustained a fractured right upper arm.

On August 25, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.30, Unreasonable Force, the Committee determined that the force used by the deputies was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

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B Criminal History on Inmate Garibay.
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Inmate Injury report for Inmate Garibay written by Deputy [redacted]
NCCF In-Service for 02-07-05 on PM Shift.

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information					
URN:	405-00164-5640-058	Date:	02-07-2005	Time:	1845
Location:	29340 The Old Road				
City or Station:	Castaic				
Bureau/Station/Facility:	NCCF	Admin. Investigation: YES ☐ NO ☒			

Employee Witnesses			
Emp. # [redacted]	Last Name Koch	First Name Joseph	Middle Name M.
Emp. # [redacted]	Last Name Dawson	First Name Theresa	Middle Name A.
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses					
Last Name None	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name		Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.	

On Duty Supervisor						
Emp. # [redacted]	Last Name Koch	First Name Joseph	Middle Name M.	Rank Sgt.	Present YES ☒ NO ☐	Witness to Incident YES ☒ NO ☐
Emp. # [redacted]	Last Name Dawson	First Name Theresa	Middle Name A.	Rank Sgt.	Present YES ☒ NO ☐	Witness to Incident YES ☒ NO ☐

Watch Sergeant			
Emp. # [redacted]	Last Name Wehner	First Name William	Middle Name S.

Watch Commander			
Emp. # [redacted]	Last Name Porlier	First Name Clay	Middle Name S.

Watch Commander's Signature: ____________________ Emp #: ____________

Copy Provided to Employee by: ____________________ Emp #: ____________

Supervisor Completing Form: Sgt. Elier Moreton (Print) Emp # [redacted]

Unit Commanders Signature: ____________________ Emp #: ____________ Date Signed: ____________

PSTD Use Only

FO# 214 0219

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

See Reverse

Super··isor's Report on Use of F··rce

URN: 405-00164-5640-058

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED *(Only One Code Per Block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	TD	FR	AR
E#2	S#1	TD	FR	AR
E#3	S#1	FL	SD	KN
E#4	S#1	FL	SD	KN
E#5	S#1	PO	SD	BK
E#6	S#1	CT	NN	----
E#7	S#1	TP	NN	----
E#8	S#1	PK	SD	LE
S#1	E#1	PW	SD	FA
S#1	E#2	PW	SD	SH
S#1	E#3	RS	NN	---
S#1	E#4	RS	NN	---
S#1	E#5	RS	SD	FI
S#1	E#6	RS	NN	---
S#1	E#7	RS	NN	---
S#1	E#8	RS	NN	---
E#2	S#1	OC	NN	FA

See Front Side

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 405-00164-5640-058

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
[redacted]	[redacted]	[redacted]	[redacted]

Shift:		Age:	Height:	Weight:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case #	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Edwards	Kenneth	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	B	NCCF	920

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	170

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	NCCF	600 Prowl #2

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	175

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☒

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	NCCF	600 Title 15

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	605	265

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☒

E5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	H	NCCF	700 Prowl

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	507	167

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E6

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	H	NCCF	700 Senior

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	188

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 405-00164-5640-058

Involved Employee

E7

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	H	NCCF	C.L.D.

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	509	165

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case #	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☒

E8

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	H	NCCF	700 Title 15

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	509	180

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 405-00164-5640-058

Suspect Information

S1

Last Name	Garibay	First Name	Israel	Middle Name	Rivas
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	H	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
[redacted]	[redacted]	22	510	09-15-82	152	☐

Booking #: 8444128 Primary Charge: 243(C) PC Secondary Charge: Criminal Histor[redacted]

Hospital Admission? ☒ Rec'd Treatment At: LCMC Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☒ NO Substance: ______ Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
02-08-05	1030	☒	☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
		☐	☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
		☐	☐

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE
IAB FO 2140219
URN: 405-00164-5640-058

On Sunday, February 7, 2005, Sergeants Elier Morejon and William Hines of the Internal Affairs Bureau responded to North County Correctional Facility regarding a use of force incident. North County Correctional Facility Deputies [redacted] Kenneth Edwards, [redacted] and [redacted] were involved in an altercation with Inmate Israel Garibay #8444128, after he became assaultive towards deputy personnel. During the fight, Inmate Garibay sustained a broken right upper arm.

The summary of this investigation is based on information obtained from reports and other documents regarding North County Correctional Facility File #405-00164-5640-058, and suspect interview. **See Exhibit - A - Incident Report SH-R-49 written by Deputy Norma Silva.**

INVOLVED PERSONNEL:

[redacted] Deputy #[redacted] — Takedown
EDWARDS, Kenneth Deputy #[redacted] — Takedown, O.C Spray
[redacted] Deputy #[redacted] — Flashlight strikes
[redacted] Deputy #[redacted] — Flashlight strikes
[redacted] Deputy #[redacted] — Punches, body weight
[redacted] Deputy #[redacted] — Personal weapons, Hobble
[redacted] Deputy #[redacted] — Personal weapons, T.A.R.P.
[redacted] Deputy #[redacted] — Personal weapons, kicks
North County Correctional Facility
Custody Operations Division

SUSPECT:

GARIBAY, Israel MH/29. A check of Suspect Garibay's criminal history revealed that he had [redacted] **See Exhibit - B - Criminal History**

SWORN WITNESSES:

KOCH, Joseph Sergeant #[redacted]
DAWSON, Theresa Sergeant #[redacted]

INMATE WITNESSES:

A canvass of the surrounding modules for possible inmate witnesses met with negative results. All attempted interviews were video taped. No witnesses to the incident were found.

INJURIES:

Suspect Garibay was transported to Los Angeles County Medical Center where he was examined by Doctor Allin Nguyen. Suspect Garibay was examined and diagnosed with a fractured right upper arm. He was also decontaminated for Oleoresin Capsicum Spray by the nursing staff at North County Correctional Facility. Suspect Garibay had several small scrapes on his face and left shoulder area. Doctor Nguyen said that the injury was consistent with the twisting of an arm during a fight with deputies. **See Exhibit - C - Photographs of Suspect Garibay's injuries.**

Deputy [redacted] suffered a small cut to his left index finger during the fight. Deputy [redacted] suffered a swollen lower lip and chin caused from the punch by Inmate Garibay. Deputy Edwards suffered a sore and swollen right thumb. Deputies [redacted] and [redacted] were treated at Henry Mayo Hospital for their injuries.

PHYSICAL EVIDENCE:

None

INVESTIGATOR OBSERVATIONS:

The incident took place at North County Correctional Facility, directly in front of the 725 Staff Station. This is a typical module for inmates at North County Correctional Facility. Investigators saw that all modules surrounding the Staff Station housed inmates in dark blue jump suits. **See Exhibit - D - Photographs of 725 Staff Station and incident location.**

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons (feet, fists), Oleoresin Capsicum Spray, flashlight.

WEAPONS USED BY SUSPECT:

Personal weapons, feet, fist, resistance, etc.

PROPERTY DAMAGE:

Radio Microphone Cord.

CRIMINAL INVESTIGATOR/CHARGES FILED:

One count of Battery on a Peace Officer, 243(C) PC.

LIGHTING AND WEATHER CONDITIONS:

This incident occurred at North County Correctional Facility which is a controlled environment. The lighting condition at the time was good.

INVOLVED EMPLOYEE'S STATEMENTS:

DEPUTY [redacted]

Deputy [redacted] said that at approximately 1850 hours he was assigned as the [redacted] He was approached by an unknown Hispanic "southsider" inmate out of dorm 728 who told him that a Hispanic inmate (later identified as Inmate Garibay, Israel #8444128) was causing racial tension in the dorm between the African American and the Hispanic inmates.

Deputy [redacted] feared that Inmate Garibay was going to start a racial riot or end up as the victim of an assault. Deputy [redacted] from his work station, opened the door to dorm 728 and ordered Inmate Garibay to step outside. Inmate Garibay stepped out of the dorm and was ordered to go into the 725 dayroom. Deputy [redacted] then opened the door to the dayroom and ordered Inmate Garibay to enter. Inmate Garibay opened the dayroom door, took one step in as if going inside, but immediately stopped.

Deputy [redacted] said that Deputy Edwards, who was standing near the dayroom door, noticed inmate Garibay's actions and told him, "Yes, go in there," as he pointed towards the open 725 dayroom door. Deputy [redacted] said that Inmate Garibay did not follow Deputy Edwards orders.

Deputy [redacted] said that Inmate Garibay took one step backwards and quickly twisted his upper body to the right, striking Deputy Edwards in the chest with his right shoulder. Deputy [redacted] ran to assist Deputy Edwards. As Deputy [redacted] approached, Inmate Garibay turned and punched Deputy [redacted] one time in the right side of his face. Deputy [redacted] simultaneously punched Inmate Garibay one time in the forehead with his right fist. Inmate Garibay's punch caused redness and swelling to the right side of Deputy [redacted] face. Deputy [redacted] said that when he punched Inmate Garibay, he injured his right hand and forearm.

Deputy Edwards immediately grabbed Inmate Garibay's right arm as Deputy [redacted] grabbed his left arm and the back of his shirt. Deputies [redacted] and Edwards forced Inmate Garabay to the ground using a Departmentally approved take down technique. Deputy [redacted] landed on the floor facing Inmate Garibay's back. Inmate Garibay landed on the floor striking his face, right side and chest on the concrete. Deputy [redacted] said that at this time, Deputy Edwards put out a "415 Deputy" call on his handheld radio. Inmate Garibay rolled onto his left side and began kicking his legs and attempting to punch Deputies Edwards and [redacted] Deputy [redacted] said as they fought on the floor, Inmate Garibay punched him once on the right side of his head. Deputy [redacted] said he ordered Inmate Garibay to stop fighting and place his hands behind his back, but he continued to violently kick his legs and attempt to punch at them. Deputy [redacted] said in an effort to stop Inmate Garabay's assault he elbowed Inmate Garibay one time on the left side of his head, but it did not have any effect.

Deputy [redacted] said that Deputy Edwards sprayed Inmate Garibay with a burst of Oleoresin Capsicum Spray. The spray had little or no effect on Inmate Garibay and he became even more agitated and violent. Deputy [redacted] attempted to gain control of Inmate Garabay's left arm in order to try and handcuff him, but because he was on his side, he could not get his arm out from under his body. Inmate Garibay continued to struggle and fight, ignoring Deputies [redacted] and Edwards

orders.

Deputy [redacted] said that responding deputies arrived and helped restrain Inmate Garibay. Deputy [redacted] said that Deputy [redacted] took his place next to Inmate Garibay and helped to restrain him. Due to his injuries, Deputy [redacted] removed himself from the situation at this point. Deputy [redacted] said that Inmate Garibay was finally handcuffed and then escorted to the infirmary for his injuries.

Deputy [redacted] said that he notified Sergeant Koch of the use of force.

See Exhibit - E - Supplemental report written by Deputy [redacted]

DEPUTY KENNETH EDWARDS

Deputy Edwars said that at approximately 1845 hrs, he walked up to the 725 Staff Station and started talking to Deputy [redacted] Immediately after he arrived, he heard an inmae (later identified as Inmate Garibay) approach the bars of dorm 728 and say he needed to leave the dorm. Deputy Edwards said he saw Deputy [redacted] open the door of dorm 728 and ordered Inmate Garibay to go inside the 725 dayroom. Deputy [redacted] said that Inmnate Garibay exited the 728 dorm and walked to the dayroom and opened the door. Inmate Garibay looked inside, as if he did not know to go in or not. Deputy Edwards said he walked up on Inmate Garibay's right side, 2-3 feet away while Deputy [redacted] stood at the 725 Staff Station, which is approximately 12 feet from the dayroom. Deputy Edwards said he told Inmate Garibay, "Yes, go in there," and pointed into the 725 dayroom.

Deputy Edwards said that Inmate Garibay quickly turned to his right and stepped into him, striking him in the chest with his right shoulder. Deputy Edwards said he saw Deputy [redacted] running towards him from the staff station. As Deputy [redacted] approached, Inmate Garibay turned and punched Deputy [redacted] one time on the right side of his face with his closed left hand. Deputy Edwards said he then grabbed Inmate Garibay's right arm and forced him to the floor, causing him the land on his chest and face. Deputy Edwards said he then put out a "415 Deputy" via his handheld radio.

Deputy Edwards said that as Inmate Garibay lay on his left side, he began thrashing and twisting his body around in a violent manner, while punching at both he and Deputy [redacted] with his right fist. Deputies Edwards and [redacted] ordered Inmate Garibay several times to stop fighting, and to place his hands behind his back. Deputy Edwards said that Inmate Garibay did not comply with their orders and continued to violently thrash his body and punch at he and Deputy [redacted] Due to Inmate Garibay's violent behavior, Deputy Edwards sprayed him with a 5-7 second burst of Oleoresin Capsicum spray. Deputy Edwards said that after being sprayed, Inmate Garibay became even more violent as he twisted and thrashed his body. Deputy Edwards said that he placed his left knee on Inmate Garibay's right leg and put all of his body weight on it. Inmate Garibay again punched at Deputy Edwards, nearly hitting him in the face. Deputy Edwards was finally able to grab Inmate Garibay's right arm and began to pull it behind his back, in an attempt to handcuff him. Inmate Garibay then placed his left arm under his body so that they would not be able to handcuff him. Deputy Edwards again ordered Inmate Garibay to place both hands behind his back. He did not comply with his orders. Deputy Edwards sprayed Inmate Garibay a second time with a 1-3 second burst of Oleoresin Capsicum spray. Deputy Edwards said that with the assistance of the responding

deputies they were finally able to handcuff Inmate Garibay with no further incident.

Deputy Edwards said that Inmate Garibay was escorted to NCCF Infirmary to be treated for his injuries. Deputy Edwards reported his use of force to Sergeant Koch.

See Exhibit - F - Supplemental report written by Deputy Edwards.

> **IAB NOTE: Deputy Edwards left the Sheriff's Department after this incident and is currently a police officer with another agency.**

DEPUTY [redacted]

Deputy [redacted] was working in the 625 Staff Station, one floor directly below where the incident occurred. Deputy [redacted] said he heard, "10-19 upper 700" via his handheld radio. Deputy [redacted] said that the radio traffic sounded urgent and gave him the impression that the deputy who put out the traffic was involved in a struggle. Deputy [redacted] immediately ran towards the upper level of building 700. As he arrived, he saw several deputies on the ground struggling with an inmate near the 725 dayroom. Deputy [redacted] approached and saw Inmate Garibay kicking his feet violently at Senior [redacted] who was attempting to control his legs. In order to stop inmate Garibay from kicking at Senior [redacted] face, Deputy [redacted] with his flashlight struck Inmate Garibay 3-4 times on his left knee. After he struck the knee, Inmate Garibay's kicks became less violent, allowing Senior [redacted] to eventually gain control of his legs.

As Inmate Garibay's legs appeared to be under control, Deputy [redacted] noticed that Inmate Garibay was still struggling with deputies and that they were not able to control him. He also noticed at this time that Deputy [redacted] had several noticeable injuries to his head and face area. Deputy [redacted] relieved Deputy [redacted] and attempted to control inmate Garibay's left arm which was placed under his body. As Deputy [redacted] reached under inmate Garibay's body and grabbed his left arm, he noticed that his left arm had a handcuff attached to it. Inmate Garibay then began to swing his arm out and around violently, in and attempt to hit Deputy [redacted] and other surrounding deputies. After several attempts, Deputy [redacted] was able to grab hold of the loose handcuff.

Deputy [redacted] said he then heard deputies yell to turn Inmate Garibay over. With the help of other deputies, Inmate Garibay was turned on to his stomach and handcuffed. Even after being handcuffed, Inmate [redacted] continued to thrash his legs. Due to his behavior a hobble restraint was applied around his feet and attached to the handcuffs. Inmate Garibay was then escorted to the facility infirmary where he was treated for his injuries by the medical staff.

Deputy [redacted] immediately reported his use of force to Sgt. Koch.

See Exhibit - G - Supplemental report written by Deputy [redacted]

> **IAB Note: Deputy [redacted] left the Sheriff's Department after this incident and is currently a police officer for Burbank Police Department.**

DEPUTY [redacted]

Deputy [redacted] said he was sitting in the Officer's Dinning Room when he heard via his Sheriff's handheld radio for 700 Prowlers to respond to the upper deck of Building 700 regarding a Deputy involved in a fight. Deputy [redacted] immediately responded to the upper deck of the 700 building. When he arrived on the upper deck he saw Inmate Garibay and numerous deputies on the ground near the sink in front of the 725 Staff Station. Deputy [redacted] saw that Inmate Garibay was not handcuffed and was thrashing his body in an attempt to break free from the deputies. Deputy [redacted] said he also saw Inmate Garibay kicking his feet, attempting to strike deputy personnel.

Fearing that Inmate Garibay would assault and injure a deputy, and in order to gain compliance from him, he struck Inmate Garibay 3-5 times with his flashlight on his right knee and thigh while ordering him to stop kicking and place his hands behind his back. Deputy [redacted] said that he was then able to secure a handcuff on Inmate Garibay's left arm. Deputy [redacted] said that he got the left handcuff and handcuffed it to the right arm which was under Inmate Garibay's chest area and which already had a handcuff on it. Deputy [redacted] said that after a few seconds it became apparent that Inmate Garibay had been handcuffed with both hands in front of his body. Deputy [redacted] said that under the orders of Sergeant Koch, and with the assistance of other deputies, they were able to remove one of the handcuffs off of Inmate Garibay and re-handcuff him properly with his hands behind his back.

Even though Inmate Garibay was handcuffed, he continued to fight with deputy personnel. Deputy [redacted] said that even though there were numerous deputies at the scene, they were still having problems controlling Inmate Garibay. Deputy [redacted] said that Inmate Garibay was taken to the infirmary and treated.

Deputy [redacted] reported his use of force to Sergeant Koch.

See Exhibit - H - Supplemental report written by Deputy [redacted]

DEPUTY [redacted]

Deputy [redacted] was working in the 700 building as a prowler. At approximately 1850 hours he was covering the 715 Staff Station when he heard a call over the radio requesting prowlers respond to the second floor of the 700 building. Deputy [redacted] ran up the ramp, and when he arrived, he saw Deputies [redacted] and Edwards on the floor struggling with Inmate Garibay directly in front of the 725 Staff Station. Deputy [redacted] said he saw Inmate Garibay resisting and attempting to kick Deputies [redacted] and Edwards. Deputy [redacted] immediately grabbed Inmate Garibay's legs in an attempt to stop him from kicking. Deputy [redacted] yelled commands at Inmate Garibay to stop fighting, but Inmate Garibay did not comply and continued fighting and kicking his legs. Deputy [redacted] said that due to Inmate Garibay's violent struggle, he was thrown off balance and off of Inmate Garibay. Deputy [redacted] regained his balance and because Inmate Garibay continued struggling, Deputy [redacted] punched him three to four times on the right side of his torso. Deputy [redacted] then positioned himself in a sitting position on top of his legs in order to stop him from kicking. Deputy [redacted] said that as soon as additional personnel arrived he moved away from his legs.

Inmate Garibay continued resisting and fighting with deputy personnel. Deputy [redacted] removed himself from the situation and began to order the inmates that were inside the nearby dorms to get on their bunks. He did this in order to keep the situation from escalating. Deputy [redacted] said that the inmates complied with his commands. Deputy [redacted] said he heard Sergeant Dawson tell deputy personnel to place the hobble restraint on Inmate Garibay, due to his lack of cooperation and continued resistance.

Deputy [redacted] said that during the fight he suffered a small cut to his left index finger.

Deputy [redacted] said he reported his use of force to Sergeant Koch and Lieutenant Porlier who responded to the location.

See Exhibit - I- Supplemental report written by Deputy [redacted]

SENIOR [redacted]

Senior [redacted] said he responded to the 725 Staff Station from the 700 Office after hearing over his handheld radio of a Deputy vs. inmate fight. Senior [redacted] said when he arrived on the upper deck of the 700 Building, the first thing he saw were three or four deputies struggling with an inmate, later identified as Inmate Garibay. Senior [redacted] said they were all on the floor near the sink, in front of the 725 Staff Station. During this time, Senior [redacted] heard numerous commands and orders given to Inmate Garibay by deputies to place his hands behind his back and to stop fighting. Senior [redacted] noticed that Inmate Garibay still had free mobility of his legs and was kicking in all directions.

Senior [redacted] said that the deputies were attempting to roll Inmate Garibay, who was on his left side, onto his stomach in order to secure him with handcuffs. Senior [redacted] said he saw that Inmate Garibay was extending his legs against the floor and wall in order to keep from being turned onto his stomach. Senior [redacted] said that he and Deputy [redacted] attempted to restrain Inmate Garibay's legs. Senior [redacted] said that Deputy [redacted] took control of the legs at a point just above the knees while he took control near the feet in an attempt to cross his legs for the purpose of turning him face down.

Senior [redacted] said that he was in a position where he was facing the wall, which was about a foot away. Senior [redacted] said that even though he could not see what was happening to his left, he could hear deputies talking to each other and attempting to coordinate their movements as they were trying to get Inmate Garibay's arms behind his back and handcuff him. Inmate Garibay continued to struggle and after a short time they were able to turn him onto his stomach. Senior [redacted] then heard a deputy say, "OK, he's cuffed."

Senior [redacted] said that even though Inmate Garibay was handcuffed he continued to thrash his legs. Senior [redacted] said that he pulled up on the bottom portion of Inmate Garibay's trousers, which lifted his feet a few inches from the floor. While Senior [redacted] held Inmate Garibay's legs off of the ground, Deputy [redacted] applied the hobble restraint around Inmate Garibay's ankles.

Inmate Garibay was escorted to the infirmary without further incident by Deputy Newman.

Senior [redacted] reported his force to Sergeant Koch, who was present during the incident.

See Exhibit - J - Supplemental report written by Senior Deputy [redacted]

DEPUTY [redacted]

Deputy [redacted] said that while working in the Inmate Processing Area, he heard via his Sheriff's handheld radio for the 700 building prowlers to respond to the upper deck of the 700 building. Deputy [redacted] said that he responded to the upper deck of the 700 building and saw numerous deputies on the floor trying to control Inmate Garibay.

Deputy [redacted] saw Inmate Garibay kicking his legs back and forth in an aggressive manner to prevent the deputies from controlling him. Deputy [redacted] said he yelled at Inmate Garibay to stop fighting, but he continued to struggle. In order to control his legs, Deputy [redacted] grabbed the pants area of Inmate Garibay's right hip with his right hand, and placed his right knee onto the back of his right thigh. Inmate Garibay continued to kick and move his legs back and forth in a violent manner, attempting to break free from his hold. Deputy [redacted] said he then placed his left knee onto the back of Inmate Garibay's left thigh in an attempt to stop him from kicking.

Deputy [redacted] said he saw Senior Deputy [redacted] holding Inmate Garibay's feet with both of his hands. Inmate Garibay continued to move his legs from side to side, trying to break free from their grasps. Deputy [redacted] continued to order Inmate Garibay to stop fighting and to put his hands behind his back, but he did not comply. Deputy [redacted] said he then saw Deputy [redacted] handcuff Inmate Garibay's right hand and an unknown deputy handcuffed Inmate Garibay's left hand behind his back.

Deputy [redacted] said that at the direction of Sergeant Dawson, he placed the hobble restraint around Inmate Garibay's ankles. Deputy [redacted] said he passed the opposite end of the hobble under Inmate Garibay's right leg, back through his groin area and connected it to the chain of the handcuffs. Deputy [redacted] said that Inmate Garibay was then escorted to the infirmary by Deputy Newman.

Deputy [redacted] said he reported his use of force to Sergeant Koch.

See Exhibit - K - Supplemental report written by Deputy [redacted]

DEPUTY [redacted]

Deputy [redacted] said that he was assigned to work as 700 building Title 15 Deputy. Deputy [redacted] said that he was walking out of the 700 building when he heard someone put out radio traffic advising of a "415 Deputy." Deputy [redacted] said that the radio traffic did not clearly state the exact location of the incident. He ran back to the lower level of 700 and saw Deputy [redacted] running up the 700 ramp towards the upper level. He said he followed Deputy [redacted] up the ramp. Once he reached the upper level, he saw Deputies [redacted] and Edwards on the floor next

to the 725 Staff Station trying to restrain an inmate. Deputy [redacted] said that he heard Deputy [redacted] repeatedly order Inmate Garibay to stop swinging his arms and legs towards their direction and to place his hands behind his back. Deputy [redacted] said that Inmate Garibay ignored Deputy [redacted] orders and continued to struggle in an attempt to free his arms from Deputies [redacted] and Edwards' hold. Inmate Garibay was also kicking his feet towards Deputies [redacted] and Edwards. Deputy [redacted] said that based on Inmate Garibay's continued assaultive behavior and fearing for the safety of fellow deputies, he kicked Inmate Garibay in the left leg four times. Deputy [redacted] then attempted to restrain Inmate Garibay's legs by holding them down with his hands and body strength. While attempting to restrain his legs, Inmate Garibay continued to try and loosen his legs from Deputy [redacted] hold. Deputy [redacted] said that with the assistance of additional responding deputies they were able to restrain Inmate Garibay's arms and legs. He was immediately handcuffed with his hands behind his back.

Deputy [redacted] said he immediately notified Sergeant Koch regarding his use of force.

See Exhibit - L - Supplemental report written by Deputy [redacted]

SERGEANT JOSEPH KOCH

Sergeant Koch said he was working as the 700/800 Building Sergeant. He said he heard garbled and broken radio traffic that indicated a possible "415" at an unknown location. Sergeant Koch said he exited the 700 Building Sergeant's Office, but saw nothing to indicate any disturbance on the lower level. He said that after additional garbled radio traffic, Deputies [redacted] and he ran up the ramp to the upper 700 level to check if there was any problem. Sergeant Koch said that when he arrived at the top of the ramp and entered the floor, he saw Deputies Edwards and [redacted] fighting with an inmate between the 725 Staff Station and the wall-mounted sink.

Sergeant Koch said that one of the deputies who preceded him up the ramp put out clear radio traffic as to the exact location of the fight. Sergeant Koch said that Deputies [redacted] and [redacted] immediately began helping Deputies Edwards and [redacted] as they fought with the inmate, later identified as Inmate Garibay.

Sergeant Koch said that Inmate Garibay was struggling so hard that Deputies [redacted] and Edwards could not control him, despite numerous orders for him to stop fighting and put his hands behind his back. Deputies [redacted] and [redacted] began trying to restrain Inmate Garibay's legs as Deputy [redacted] helped to control Garibay's upper body. Inmate Garibay was violently struggling and kicking his legs. Sergeant Koch said that Deputies [redacted] and Edwards were forced to punch, kick and or knee Inmate Garibay's body and upper legs in an effort to stop his fighting.

Sergeant Koch said that at least one deputy (nfd) struck Inmate Garibay on his lower legs with a flashlight. Sergeant Koch said he ordered the deputies to handcuff Inmate Garibay, but they were unable to gain control of him as he ignored orders to give up his hands and continued to fight. Sergeant Koch said that additional personnel, including Deputies [redacted] and [redacted] arrived to assist. Deputy [redacted] who appeared to have been hit in the face and looked dazed, backed away to allow Deputies [redacted] and [redacted] to help control Inmate Garibay's upper body. Within a

few seconds, Sergeant Koch said he heard the clicking sound of handcuffs being closed.

Sergeant Koch said he looked over the deputies, and saw Inmate Garibay lying face down and slightly on his left side with his hands cuffed in front of him, not behind his back. Sergeant Koch said he told the deputies to remove the handcuffs and correctly handcuff Inmate Garibay behind his back. Sergeant Koch said that the handcuffs were unlocked, Inmate Garibay' hands were rotated behind his back and the handcuffs replaced. Two deputies continued to pin Inmate Garibay's upper body to the ground as everyone else backed away. Sergeant Koch said he then turned to Lt Porlier, who had now arrived a the scene, to report on the situation.

Sergeant Koch said that as he talked with Lt Porlier, Inmate Garibay was still twisting his body and moving his legs. He said he then heard Sergeant Dawson direct a deputy to "TARP" Inmate Garibay with a hobble restraint around his legs and roll him on his side. Sergeant Koch said that one deputy monitored Inmate Garibay as other deputy personnel backed away. Sergeant Koch said that a gurney was requested and Inmate Garibay was taken to the infirmary.

Sergeant Koch said that he and Lt Porlier later interviewed Inmate Garibay in the infirmary. He said that neither of them were aware that his arm was broken, as he talked to them in a normal tone of voice with no visible sign of trauma. Sergeant Koch said that Deputies [redacted] and [redacted] were injured in the fight with Inmate Garibay, and Deputy [redacted] radio microphone cord was broken.

> **IAB NOTE: Sergeant Koch, due to the fact he was present for the majority of the fight, was asked if in his opinion the force used by deputy personnel was reasonable, necessary and within department guidelines. Sergeant Koch said, "The force was justified, it was used appropriately and the deputies acted within policy."**

See Exhibit - M - Supplemental report written by Sergeant Koch.

SERGEANT THERESA DAWSON

Sergeant Dawson said she was working as the 500/600 Building Sergeant when she heard a call over the radio, "415." Sergeant Dawson said there was no additional information regarding where the fight was taking place, how many inmates were involved, nor whether deputy personnel were involved. Sergeant Dawson said that a few seconds later she heard a second call. This time again the radio traffic was rushed and she was only able to hear, "415." Sergeant Dawson said she ran out into the main corridor and saw other personnel running back and forth, also unable to determine where the call for help was coming from. Finally, after a few more seconds,another deputy put out radio traffic that there was a "415 deputy involved at the 725 Staff Station area."

Sergeant Dawson immediately ran to the 725 Staff Station from the 600 Building. Sergeant Dawson said that when she arrived at the upper deck she saw 10-15 deputy personnel either standing near or kneeling on the floor near the 725 Staff Station dayroom door. She saw an inmate, Inmate Garibay, on the floor who was thrashing his body back and forth attempting to kick deputy personnel. Several deputy personnel were struggling to gain control of the inmate's hands and legs. Sergeant Koch was kneeling on the floor at the inmate's head along with Deputies [redacted] and

[redacted] who were attempting to restrain his arms and upper body. Deputies [redacted] Edwards, [redacted] and [redacted] were trying to gain control of the inmate's legs and lower body.

Sergeant Dawson said she heard Sergeant Koch tell Deputies [redacted] and [redacted] that the handcuffs were not on correctly and they needed to take them off and put them on right. The inmate continued to fight as the deputies removed the handcuffs one at a time and re-handcuffed him. Once Inmate Garibay's hands were secure, Deputies [redacted] and [redacted] restrained him by using their body weight to pin him to the floor. Sergeant Dawson said that she ordered Deputy [redacted] to hobble the inmate so they could gain control of his legs which he was still using in an attempt to kick deputy personnel. Deputy [redacted] was able to hobble the inmate with the assistance of other deputy personnel. Due to the inmate's violent actions and his obvious desire to assault personnel, Sergeant Dawson said she ordered Deputy [redacted] to place the "T.A.R.P" on Inmate Garibay. Inmate Garibay was laid on his left side and she ordered Deputy [redacted] to monitor his breathing until medical personnel arrived.

Sergeant Dawson said that Inmate Garibay was placed on a gurney on his left side and taken to the infirmary for medical evaluation and treatment. Inmate Garibay was escorted by Deputy Newman. Inmate Garibay was still in a T.A.R.P Position and Deputy Newman continued to monitor his breathing.

Sergeant Dawson said that after the incident she saw a radio microphone laying on the floor where the inmate had been. She later learned that the microphone wire had been ripped from Deputy [redacted] radio by Inmate Garibay during the fight. Sergeant Dawson said she asked if any deputy personnel had been injured during the fight. Deputy [redacted] came forward and stated he had hurt his wrist and finger in the struggle. Sergeant Dawson said she saw that Deputy [redacted] left wrist was red and slightly swollen, and that he had a small cut on his left index finger.

Sergeant Dawson also saw that Deputy [redacted] chin and lower lip were red and very swollen. Additionally, he had red marks on the sides of his head which he stated were caused when Inmate Garibay punched him in the face. Deputy Edwards stated his right thumb was stiff and sore. Deputies [redacted] and [redacted] were taken to Henry Mayo Hospital for treatment of their injuries.

Sergeant Dawson said she did not witness any other use of force.

See Exhibit - N - Supplemental report written by Sergeant Dawson.

INMATE ISRAEL GARIBAY

Inmate Garibay was interviewed by investigators regarding the incident. Inmate Garibay said that he was housed in the 728 Module. He said that he was scared to be in the module because there were to many inmates. Inmate Garibay said that he saw a male Hispanic inmate talking with a deputy (nfd). He said that shortly after the conversation between the inmate and the deputy he was called out of the dorm.

Inmate Garibay said that the same deputy that was talking to the inmate told him to exit the dorm and told him to go inside of the dayroom. He said that he walked over to the dayroom and started to enter. Inmate Garibay said he took about two steps inside of the dayroom and them changed his mind about being inside alone. He said he quickly backed up and backed into a deputy who was standing at the door and telling him to go inside. Inmate Garibay said he did not want to go inside and it is why he backed up into the deputy.

Inmate Garibay said that he was thrown to the ground by the deputies. Inmate Garibay was unable to identify any of the deputies involved in this incident. Inmate Garibay said that while on the floor he did not want to get handcuffed so he struggled with the deputies in an effort not to let them handcuff him. He said he never hit or attempted to hit any of the deputies involved in the incident. Inmate Garibay said that he just didn't want to be handcuffed and he was upset because they never told him why they wanted him to go into the dayroom. Inmate Garibay said he was kicked, punched and hit with flashlights while on the ground. He does not know when his arm was broken or by whom.

Case submitted July 1, 2005.